UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,284	10/14/2003	Thomas E. Chefalas	YOR920010713US1	7091

29683 7590 10/06/2010

HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON, CT 06484-6212

EXAMINER
THOMAS, JASON M

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
10/06/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,284	Applicant(s) CHEFALAS ET AL.	
	Examiner Jason Thomas	Art Unit 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 July 2010*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-18 and 24-35* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *13-18 and 24-35* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 13-18 and 24-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 13, 16, 17, 24, 25, 29, 30 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger et al., U.S. Pub. No. 2002/0083441 A1, (hereinafter Flickinger) in view of Morrison, U.S. Patent No. 5,815,671 (hereinafter Morrison), Tanaka et al., U.S. Pat. No. 7,146,631 B1 (hereinafter Tanaka), Hite et al., U.S. Pat. No. 5,774,170 (hereinafter Hite) and Liga et al., U.S. Pub. No. 2003/0154128 A1 (hereinafter Liga).

Regarding claims 13: Flickinger discloses a method for time-shifting at least one of a plurality of received cohesive signal sets, comprising: receiving a first cohesive signal set comprising a cache marker at a first time; based on the presence of the cache marker, automatically storing said first cohesive signal set in a computer readable storage medium (see e.g. [56], [73-75] for a tag or other form of information, which reads on a cache marker, associated with the ad which can be used by the receiving device to determine whether or not to automatically store the ad; see e.g. also [58] where each ad is assigned a unique identifier); and receiving a second cohesive signal set comprising a recall marker at a second time (see e.g. [fig. 9], [42], [63], [93] where the programming set contains interval data "avails" and cue data, which reads on a recall marker in that the avail data and cue data are used for recalling and inserting stored ads to be placed in the output stream). While Flickinger discloses wherein in response to a user request for the second cohesive signal set outputting the requested second cohesive signal set and the first cohesive signal set in a timed relation relative to one another that differs from a timed relation in which they were received (see e.g. [fig. 9], [29], [34], [42], [66] where the device can also operate as a personal video recorder to playback programming and ad material in a time shifted manner as requested by the user), Flickinger does not explicitly teach matching the recall marker to the cache marker of the first cohesive signal set, wherein the output timed relation is determined by the recall marker, or where the first cohesive signal set, which has a first cohesive signal set size, is intermixed with the second cohesive signal set which has a recall marker having a recall marker size, and where the recall marker size is significantly less than the first cohesive signal set size.

Morrison teaches using signal sets which, in addition to including programming and ad messages, include codes which can be used to match ad messages with programming messages such that the data which is coded into the programming can be used to find the uniquely specified message stored in the receiving device (see e.g. [col. 3, ll. 16-55], [col. 5, ll. 1-14], [table 1], [cols. 9-10, ll. 60-17]). Morrison also teaches determining the output timed relation using a program break flag which reads on a type of recall marker (see e.g. [col. 3, ll. 16-55], [cols. 3-4, ll. 64-14]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the receiver and the coded data received in the programming message, as taught in Flickinger, by providing more detailed information which can be used for comparison by the receiving device and using a program break flags, as taught by Morrison, in order to enable program providers to have more control over what and when ad messages are inserted into the programming messages to provide users with a more unique style of services (see e.g. [col. 1, ll. 38-50]).

Tanaka teaches transmitting by a broadcasting network and receiving by an end user terminal, a content stream containing tags, which read on recall markers, that are much smaller in size than full length commercials, containing only information within the tags specifying a URL or more generally a sponsor or product identifier (see e.g. [figs. 1, 2], [abstract], [col. 1, ll. 45-66], [col. 2, ll. 4-30]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second cohesive signal set by embedding a tag which contains information which is significantly less than the size of the commercial which will be interrelated with the primary content stream, as taught by Tanaka, in order to provide a more efficient means of interrelating local and regional content with the national satellite digital broadcasting network content stream.

In amendment entered February 19, 2010, Applicant introduced claim language to capture, inter alia, a determination process which was placed in the limitations of claim 1. More specifically the claim language now including wherein receiving a first cohesive signal set comprises “the first cohesive signal set [being] associate with an advertiser”; and "in response to a user request for the second cohesive signal set, determining whether an exact cache marker match to the recall marker is available; in response to determining that an exact cache marker match to the recall marker is not available, determining whether and advertiser associated with the recall maker is the advertiser associated with the first cohesive signal; and in response to determining that the advertiser associated with the recall marker is the advertiser associated with the first cohesive signal, outputting the requested second cohesive signal set and the first cohesive signal set in a timed relation relative to one another that differs from a timed relation in which they were received.” The following addresses these added limitations:

While Tanaka teaches uniquely matching commercials by using tags contained in the programming stream (i.e. where the tags contain both URL information and other codes, such as sponsor or product codes, to assist in commercial selection), Tanaka is not so specific as to address what information is contained in the commercial to assist in this matching process. However, Hite teaches an analogous system for matching commercials with programming where the commercials contain identifiers, referred to as CIDs, which are used to select the appropriate commercial to match the programming (see e.g. e.g. [cols. 3-4, ll. 40-24], [col. 5, ll. 29-39]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the means of targeting and selecting ads for display by using both identifiers transmitted along with a program stream, which can be matched with identifiers in each commercial stored on a user device, which read on cache markers, as taught by Hite, in order to increase the effectiveness of matching programming content with meaningful commercial messages to consumers by selecting desired ad/commercial for presentation.

Furthermore, Tanaka teaches presenting alternative commercial content in the event tag information, which is used to identify a specific commercial to be inserted, does not uniquely determine a commercial (see e.g. [col. 7, ll. 61-67], [col. 10, ll. 28-34] where the unique commercial designated to fill the programming break is unavailable (i.e. not able to be determined) and other potential commercials are selected for the user to choose from) but does not teach where the selected commercials are from among the same advertiser.

Liga teaches a system for replacing ads (see e.g. [abstract]) where if an ad is unavailable, a replacement ad is selected “according to a set of business rules” to fill the ad’s place (see e.g. [0009], [0024], [0053], [0078], [0084] where a stale ad reads generally on an ad which is unavailable and needs to be replaced). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the means by which Tanaka selects replacement ads when a match is not available, by replacing the unavailable ad with an ad from the same advertiser, as taught by Liga, in order to satisfy predefined business rules which ensure that ads are seen by the consumer.

Regarding claim 32: Flickinger discloses a method comprising: receiving a first cohesive signal set comprising a cache marker (see e.g. [56], [73-75] for a tag or other form of information, which reads on a cache marker, associated with the ad which can be used by the receiving device to determine whether or not to automatically store the ad); and receiving a request for outputting a second cohesive signal set, where the second cohesive signal set comprises a recall marker (see e.g. [fig. 9], [29], [42], [63], [93] for a DBS system which receives broadcast request, where the programming set output contains interval data "avails" and cue data, which reads on a recall marker in that the avail data and cue data are used for recalling and inserting stored ads to be placed in the output stream); but Flickinger does not teach in response to the recall marker:

matching the recall marker to the cache marker; determining an interrupt time during the second cohesive signal set in which to sequence the first cohesive signal based at least in part on the recall marker; and outputting the requested second cohesive signal set and the first cohesive signal set in a timed relation where the first cohesive signal set is output at the interrupt time.

Morrison teaches using signal sets which, in addition to including programming and ad messages, include codes which can be used to match ad messages with programming messages such that the data which is coded into the programming can be used to find the uniquely specified message stored in the receiving device (see e.g. [col. 3, ll. 16-55], [col. 5, ll. 1-14], [table 1], [cols. 9-10, ll. 60-17]). Morrison also teaches determining the interrupt time during the primary programming broadcast, which reads on the second cohesive signal set and outputting ads, which read on a first cohesive signal set in a timed relation using a program break flag which reads on a type of recall marker (see e.g. [col. 3, ll. 16-55], [cols. 3-4, ll. 64-14]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the receiver and the coded data received in the programming message, as taught in Flickinger, by providing more detailed information which can be used for comparison by the receiving device and using a program break flags, as taught by Morrison, in order to enable program providers to have more control over what and when ad messages are inserted into the programming messages to provide users with a more unique style of services (see e.g. [col. 1, ll. 38-50]).

Tanaka teaches transmitting by a broadcasting network and receiving by an end user terminal, a content stream containing tags, which read on recall markers, that are much smaller in size than full length commercials, containing only information within the tags specifying a URL or more generally a sponsor or product identifier (see e.g. [figs. 1, 2], [abstract], [col. 1, ll. 45-66], [col. 2, ll. 4-

30]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second cohesive signal set by embedding a tag which contains information which is significantly less than the size of the commercial which will be interrelated with the primary content stream, as taught by Tanaka, in order to provide a more efficient means of interrelating local and regional content with the national satellite digital broadcasting network content stream.

In amendment entered February 19, 2010, Applicant introduced claim language to capture, inter alia, a determination process which was placed in the limitations of claim 1. More specifically the claim language now including wherein receiving a first cohesive signal set comprises “the first cohesive signal set [being] associate with an advertiser”; and "in response to a user request for the second cohesive signal set, determining whether an exact cache marker match to the recall marker is available; in response to determining that an exact cache marker match to the recall marker is not available, determining whether and advertiser associated with the recall maker is the advertiser associated with the first cohesive signal; and in response to determining that the advertiser associated with the recall marker is the advertiser associated with the first cohesive signal, outputting the requested second cohesive signal set and the first cohesive signal set in a timed relation relative to one another that differs from a timed relation in which they were received.” The following addresses these added limitations:

While Tanaka teaches uniquely matching commercials by using tags contained in the programming stream (i.e. where the tags contain both URL information and other codes, such as sponsor or product codes, to assist in commercial selection), Tanaka is not so specific as to address what information is contained in the commercial to assist in this matching process. However, Hite teaches an analogous system for matching commercials with programming where the commercials contain identifiers, referred to as CIDs, which are used to select the appropriate commercial to match the programming (see e.g. e.g. [cols. 3-4, ll. 40-24], [col. 5, ll. 29-39]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the means of targeting and selecting ads for display by using both identifiers transmitted along with a program stream, which can be matched with identifiers in each commercial stored on a user device, which read on cache markers, as taught by Hite, in order to increase the effectiveness of matching programming content with meaningful commercial messages to consumers by selecting desired ad/commercial for presentation.

Furthermore, Tanaka teaches presenting alternative commercial content in the event tag information, which is used to identify a specific commercial to be inserted, does not uniquely determine a commercial (see e.g. [col. 7, ll. 61-67], [col. 10, ll. 28-34] where the unique commercial designated to fill the programming break is unavailable (i.e. not able to be determined) and other potential commercials are selected for the user to choose from) but does not teach where the selected commercials are from among the same advertiser.

Liga teaches a system for replacing ads (see e.g. [abstract]) where if an ad is unavailable, a replacement ad is selected “according to a set of business rules” to fill the ad’s place (see e.g. [0009], [0024], [0053], [0078], [0084] where a stale ad reads generally on an ad which is unavailable and needs to be replaced). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the means by which Tanaka selects replacement ads when a match is not available, by replacing the unavailable ad with an ad from the same advertiser, as taught by Liga, in order to satisfy predefined business rules which ensure that ads are seen by the consumer.

Regarding claim 16: The combined teachings of the aforementioned art teach the method of claim 13 wherein outputting said the requested second cohesive signal set comprises outputting a portion of the requested second cohesive signal set said portion as received without storing said portion (see e.g. Flickinger [42], [66], [93] where it is implicit that the standard means of receiving and outputting of programming material (second cohesive signal set) is done without storing it first where storing the programming material is presented as an alternative).

Regarding claim 17: The combined teachings of the aforementioned art teach wherein determining whether the advertiser associated with the recall marker is the advertiser associate with the first cohesive signal comprises matching a sponsor identifier, which reads on an advertiser (see e.g. Tanaka and Hite [col. 4, ll. 19-24] for using tags and CIDs containing data to associate programming material and commercials; see e.g. also Liga [0053], [0084] for embedded data which identifies the advertiser and for determining whether the replacement ad is from the same advertiser when replacing said ad).

Regarding claim 24: The combined teachings of the aforementioned art teach wherein the cache marker uniquely identifies the first cohesive signal set of which it comprises and the recall marker uniquely matches the cache marker (see e.g. Flickinger [58] which reads on the cache marker uniquely identifying the ad message or first signal set; see e.g. also Morrison [col. 3, ll. 5-55], [table 1]).

Regarding claim 25: The combined teachings of the aforementioned art teach a first cohesive signal set comprising a commercial advertisement (see e.g. Flickinger [9], [fig. 3], [42] where the first signal set is for commercial purposes).

Regarding claim 29: The combined teachings of the aforementioned art teach where the recall marker is a first recall marker; and where the second cohesive signal set further comprises a second recall marker (see e.g. Tanaka [fig. 2] for a first and second tag, which read on recall markers, accompanying a cohesive video signal segment).

Regarding claim 30: The combined teachings of the aforementioned art teach further comprising matching the second recall marker to the cache marker of the first cohesive signal (see e.g. Morrison [col. 3, ll. 16-55], [cols. 3-4, ll. 56-14] for matching a program break flag with a message code flag); and wherein the output timed relation is further determined by the second recall marker such that the first cohesive signal is output at least once for each cache marker matched to the first cohesive signal (see e.g. Tanaka [fig. 2], [col. 6, ll. 47-56], [col. 7, ll. 54-60], [col. 13, ll. 51-67] for where multiple tags, which read on recall markers, can be used).

Regarding claim 33: The combined teachings of the aforementioned art teach where the recall marker is a first recall marker, the interrupt time is a first interrupt time and the second cohesive signal set further comprises a second recall marker (see e.g. Tanaka [fig. 2], [col. 6, ll. 48-56], [col. 7, ll. 54-60]); where a primary programming cohesive signal, which reads on a second cohesive signal set, comprises a second recall marker); the method further comprises: in response to the second recall marker: matching the second recall marker to the cache marker (see e.g. Tanaka [col. 13, ll. 51-67] for matching; see e.g. also Morrison [col. 3, ll. 16-55] for matching by comparing codes); determining a second interrupt time during the second cohesive signal set in which to sequence the first cohesive signal based at least in part on the second recall marker; and where the first cohesive signal set is output at the first interrupt time and at the second interrupt time (see e.g. Morrison [cols. 3-4, ll. 56-14] where a program break flag reads on an interrupt point and where ads are inserted into each program break portion; see e.g. also Tanaka [fig. 2], [col. 1, ll. 51-67] where ads are inserted into multiple tagged areas, which read on break points).

Regarding claims 34 and 35: The combined teachings of the aforementioned art teach where outputting the requested second cohesive signal set and the first cohesive signal set meets a commitment for airtime due to the advertiser associated with the recall marker (see e.g. Liga [0084] where the motivation behind replacing an ad with another ad from the same advertiser is for the purpose of complying with a set of predefined business rules, which reads on meeting a commitment for airtime due to the advertiser).

3. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger, in view of Morrison, Tanaka, Hite, Liga and Lowthert et al., U.S. Pub. No. 2002/0100034 A1 (hereinafter Lowthert).

Regarding claim 31: The combined teachings of the aforementioned art teach receiving at least one additional cohesive signal set, each additional cohesive signal set comprising a cache marker (see e.g. Flickinger [56], [73-75] for a tag or other form of information, which reads on a cache marker, associated with the ad which can be used by the receiving device to determine whether or not to automatically store the ad; see e.g. also [58] where each ad is assigned a unique identifier), organizing the first cohesive signal set and the at least one additional cohesive signal set based at least in part on product classification (see e.g. Tanaka [figs. 10, 11], [col. 13, ll. 51-67] for matching using a product code, which reads on a product classifications) but does not teach where ad type information is included within a cache marker.

Lowthert teaches an info segment, which contains advertisement type data and reads on a type of descriptive data specifically used to control the display of advertisements, such as a cache marker (see e.g. [figs. 3, 4], [35] for descriptive ad type information which is contained within an info segment). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cache marker by including descriptive data such as data to describe the type of advertisement data, as taught by Lowthert, in order to provide a consolidated means of controlling which advertisements are selected for display..

4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger, in view of Morrison, Tanaka, Hite and Liga and Picco et al., U.S. Pat. 6,029,045 (hereinafter Picco).

Regarding original claim 14: The combined teachings of the aforementioned art teach receiving message materials which have been distributed from a remote location (see e.g. [fig. 1], [abstract]) however they do not teach a received timed relation that is at least two orders of magnitude greater than said output timed relation.

Picco however, teaches a trickle technique where the amount of time required for receiving content may take up to a night, several days or even several weeks (see e.g. [col. 9, ll. 1-39]).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use other methods to retrieve content such a technique involving using unused bandwidth to retrieve programming while the receiver is not being used to view television, as taught in Picco, when providing a system which can receive, by downloading from a remote device, data for viewing, as taught in Flickinger, because this allows bandwidth to be used, when the receiver is not being used, for later viewing thus optimizing the bandwidth of the receiver while in use (see e.g. [col. 9, ll. 48-60]).

Regarding original claim 15: The combined teachings of the aforementioned art teach receiving message materials which have been distributed from a remote location (see e.g. [fig. 1], [abstract]) but do not explicitly teach receiving said first and second cohesive signal sets over different channels.

Picco however, teaches receiving segments of content that are downloaded over different channels (see e.g. [col. 3, ll. 24]).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the device, as taught by Flickinger and Morrison, to include two tuners, as taught by Picco, which would enable a user to receive signal sets over different channels because a second tuner would allow, as was commonly practiced at the time of the invention, the viewing of picture-in-picture or the recording of a second channel while viewing a first channel (see e.g. [fig. 8]; see e.g. also [col. 9. ll. 31-37]).

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger, in view of Morrison, Tanaka, Hite and Liga and Liga et al., U.S. Pub No. 2003/0154128 A1, (hereinafter Liga).

Regarding claim 26: The combined teachings of the aforementioned art teach the method of using information contained within a second signal set, such as programming message code data, to select a particular first signal set, such as ad messages, for insertion into said second signal set, which is coded with attribute data to assist in the matching of message signal sets where the matching occurs by both coded data having a matching data value (see e.g. Flickinger [abstract], see e.g. also Morrison [table 1], [col. 3, ll. 16-63]); as well as determining whether the advertiser associated with a CID appended to an ad is the advertiser associated with the CID stored in a receiving device by using a code which identifies the advertiser of a intended ad to ensure that a replacement ad is from the same advertiser (see e.g. Hite [col. 4, ll. 19-24]; see e.g. also Liga [0053], [0084]) but do not teach wherein the message code data comprises a product classification to be matched.

Liga teaches embedding data within a data stream specifying a product category identifier, which reads on a product classification, for the purpose of targeting advertisements (see e.g. [53-55]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information used for matching message sets by including information which specifies an product category identifier, as taught by Liga in order to provide additional criteria to be used in the selection of advertisements to target a particular user or audience.

6. Claims 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger, in view of Morrison, Tanaka, Hite, Liga and Pudar et al., U.S. Pub No. 2002/0184091 A1, (hereinafter Pudar).

Regarding claim 18: The combined teachings of the aforementioned art teach providing data with ad messages, which reads on a cache marker, that directs said CPU to store said first cohesive signal set and delete another cohesive signal set bearing a similar cache marker but having different identifier information (see e.g. Flickinger [56]) but do not teach making such a determination using through the use of a priority code.

Pudar teaches using priority data as a key factor in determining how to respond to received advertisements (see e.g. [22], [29]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the data which accompanies the ad message by including priority data as taught by Pudar in order to enable the receiving device to select a better targeted advertisement or maximize revenue is priority is based on the pricing of advertisements (see e.g. [29]).

Regarding claim 27: The combined teachings of the aforementioned art teach providing data with ad messages, which reads on a cache marker, that directs said CPU to store said first cohesive signal set and delete another cohesive signal set bearing a similar cache marker but having different identifier information (see e.g. Flickinger [56]) but do not teach making such a determination using through the use of a priority code.

Pudar teaches using priority data as a key factor in determining how to respond to received advertisements (see e.g. [22], [29]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the data which accompanies the ad message by including priority data as taught by Pudar in order to enable the receiving device to select a better targeted advertisement or maximize revenue is priority is based on the pricing of advertisements (see e.g. [29]).

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger, in view of Morrison, Tanaka, Hite, Liga, Pudar and Picco.

Regarding new claim 28: The combined teachings of Flickinger, in view of Morrison and Pudar, teach using priority data which is embedded in a message signal (see e.g. [22], [29]) but do not teach wherein the priority code is a date/time stamp.

Picco teaches a data/time stamp (see e.g. [col. 10, ll. 62 through col. 11, ll. 1] for a date stamp which maintains the time when content will expire and also a time stamp which maintains the times which content may be viewed).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include a date/time stamp, as taught in Picco, when embedding priority data in message signals, as taught in the combined teachings of Flickinger, in view of Morrison and Pudar, because with limited space, it is important to optimizing the available storage used to hold content by overwriting and deleting content such as advertisements that have expired and are no longer relevant, even though at the time of reception the priority was high.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423